

## FINDING OF EMERGENCY

These regulations are being implemented on an emergency basis for the immediate preservation of the public peace, health and safety, or general welfare, within the meaning of Government Code Section 11346.1.

## DESCRIPTION OF SPECIFIC FACTS WHICH CONSTITUTE THE EMERGENCY

The following facts constitute the emergency:

1. These proposed Transitional Housing Placement Program (THPP) emergency regulations implement the provisions of AB 427, which require adoption of regulations by July 1, 2002. The non-emergency rulemaking process set forth in the Administrative Procedure Act does not make it possible to implement regulation changes on an immediate basis as authorized by the legislation.
2. AB 427 (Chapter 125, Statutes of 2001), states its purpose to provide a program to assist youth in transition from foster care to independence. The program provides opportunities for youth to develop independent living skills and employment skills improving their chances of success in society as adults living independently. This is accomplished through these proposed emergency regulations that allow increased freedom and responsibility for youth as they near the age of emancipation.
3. These proposed emergency regulations also incorporate the provision of AB 899 (Chapter 683, Statutes of 2001). This legislation requires the Department to incorporate the 21 personal rights listed in Welfare and Institutions Code Section 16001.9 into regulations. The majority of these rights are currently contained in Title 22 regulations.
4. Failure to implement the licensing requirements in a timely manner may compromise the immediate preservation of the public peace, health, or safety among transitional housing placement program placements.
5. Delay in the implementation of the THPP health and safety requirements would put CDSS at risk of legal action.
6. Therefore, these regulations are adopted on an emergency basis, effective upon filing with the Secretary of State, to assist in the successful emancipation of youth from the foster care program while they participate in a THPP.

## INFORMATIVE DIGEST

Every year hundreds of foster care and group home youths, including probation youths are emancipated from the foster care system. Emancipation refers to the release of teenagers from the control of the juvenile court system and the care of the county social services agencies. At 18 years of age the law requires them to leave the system because they are no longer the responsibility of the state or county, and are expected to fend for themselves.

For some foster teenagers, the transition is relatively smooth. However, for the majority it is very difficult. Confronted with this statewide dilemma, in 1993, California authorized a five-year pilot program, pursuant to the passage of AB 1198 (Chapter 799 of Statutes of 1993), which created Transitional Housing Placement Programs (THPP), whose purpose was to assist youth in transition from foster care to independence by providing the greatest amount of freedom possible while, at the same time, assisting in the preparation of these youth to lead self-sufficient lives.

The passage of AB 1198 created THPPs in 3 counties for youth who were currently participating in the Independent Living Program (ILP). In 1998, AB 2774 (Chapter 873, Statutes of 1998) established THPPs as a permanent statewide program to serve youth 17 and 18 years of age. , and additionally creates a separate, license-exempt, county-optional, certified THP-Plus program for youth 19 up to 21 years of age.

These proposed THPP emergency regulations implement the provisions of AB 427. The Department of Social Services is directed to adopt emergency regulations to govern licensed transitional housing placement programs. These regulations are written to provide program guidance to THPPs that provide services to foster and group home youths, including probation youths who are preparing to emancipate, while ensuring that they are subjected to fewer restrictions than those who are younger, in order to successfully prepare these foster and group home youths, including probation youths for a future of self-sufficiency.

## COST ESTIMATE

1. Costs or Savings to State Agencies: The Department has determined no fiscal impact exists because the regulations do not affect any state agency or program.
2. Costs to Local Agencies or School Districts: The Department has determined no fiscal impact exists because the regulations do not affect any local entity or program.
3. Nondiscretionary Costs or Savings to Local Agencies: None.
4. Federal Funding to State Agencies: The Department has determined no fiscal impact exists because the regulations do not affect any federally funded state agency or program.

#### LOCAL MANDATE STATEMENT

These regulations do not impose a mandate on local agencies or school districts. There are no state-mandated local costs in these regulations which require state reimbursement under Section 17500 et seq. of the Government Code.

#### AUTHORITY AND REFERENCE CITATIONS

CDSS adopts these regulations under the authority granted in Health and Safety Code Sections 1530, 1559.110. Subject regulations implement and make specific Health and Safety Code Sections 1501, 1502, 1503, 1503.5, 1505, 1507, 1508, 1509, 1514, 1520, 1520.11, 1522.42, 1523.1, 1524, 1525.3, 1526.5, 1530, 1531, 1531.2, 1533, 1534, 1538, 1538.4 and .5, 1559.110, 1559.115; and Welfare and Institutions Code Sections 11400, 11401, 11403, 16001.9, 16500, 16522, 16522.1, 16522.5 and .6; Government Code Section 15378; Education Code Section 94301; Vehicle Code Sections 27630 and 27630.5; Section 21 of Assembly Bill 1695 (Chapter 653, Statutes of 2001); Title 42 U.S.C. Sections 675 and 677 of the Social Security Act; and 29 U.S.C. Section 1501 et seq.